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EXAMINER

KE, PENG

ART UNIT	PAPER NUMBER
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2174

MAIL DATE	DELIVERY MODE
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03/31/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 09/637,120	Applicant(s) EDWARDS ET AL.	
	Examiner SIMON KE	Art Unit 2174	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 December 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3, 7-11, 13, 23-27, 29-35, 38, 40 and 42-51 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3, 7-11, 13, 23-27, 29-35, 38, 40 and 42-51 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>10/15/08, 9/9/08</u> | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

This action is responsive to communications: Amendment, filed on 12/10/08.

Claims 1-3, 7-11, 13, 23-27, 29-35, 38, and 40, 42-51 are pending in this application.

Claims 1, 23, 38, and 49 are independent claims.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-3, 7-11, 13, 23, 25-27, 29-35, 42, 44, and 47 are rejected under 35 U.S.C.

103(a) as being unpatentable over Yang US Patent US 6,301,586, in view of Shiimori US Patent 6,567,983 in view of Higurashi US Publication 2003/0133019 in view of Stewart et al. US Patent 6,571,221.

As per claim 1, Yang teaches a method for displaying images comprising:

specifying at least one source of a plurality of sources from which to access the images to be displayed in order to specify one or more types of images to be used in a visual presentation; (see Yang, column 8, lines 15-28; Image import sources such as APS, Camera, Hard Disk, Zip Drive, and Network are plurality of source for accessing image)

accessing a plurality of presentation images from the one or more specified sources by a server, (see Yang; column 7, lines 5-20; By defining and mapping network connectivity and access early on, the user can specific network drivers later) the plurality of presentation images

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having inconsistent presentation attributes; (see Yang; column 23, lines 27-31; Image not uniformed in size are inconsistent attribute)

arranging the presentation images by the server according to at least one characteristic provided by a client; (see Yang; column 8, lines 15-28; Requiring resizing image is to arranging the according at least one characteristic) and

organizing the presentation images in then visual presentation by the server, wherein organizing includes automatically modifying the inconsistent presentation attributes of the plurality of presentation images to transition between the presentation images; (column 23, lines 28-32; column 14, lines 45-53; automatically re-size images is automatically modifying the inconsistent presentation attributes of the plurality of presentation images; Furthermore since the re-size is made to create a smooth transaction between images) and

However, Yang fails to teach completing the visual at the server side and then transmitting the visual presentation from the server to a client.

Shiimori teaches completing the visual at the server side and then transmitting the visual presentation from the server to a client. (see Shiimori; column 3, lines 45-54; Transmitting completed album representation from the server to client is transmitting completed visual from server to a client)

It would have been obvious to an artisan at the time of the invention to include Shiimori's teaching with method of Yang in order to allow users to manipulate the visual presentation without slowing down their own computer.

However, they fail to teach modifying exposure.

Higurashi teaches modifying exposure. (see Higurashi paragraph 0052)

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It would have been obvious to an artisan at the time of the invention to include Higurashi's teaching with method Yang and Shiimori in order to adjust brightness of at least one image of the plurality of images having a different exposure.

However they don't teach the method further comprising: receiving compensation from a client before the visual presentation is sent to the client, An amount of compensation varies depending on which sources of the plurality of source are accessed to retrieve the plurality of presentation image where a first remote source is more expensive to access presentation image than a local second source;

Stewart teaches a method comprising: receiving compensation from a client based on whether the client has accessed the local or remote service network (col3, lines 30-70; when accessing local network the client is charged at a lower rate or free)

It would have been obvious to an artisan at the time of the invention to include Stewart's teaching with method of Yang, Shiimori, and Higurashi in order to provide sufficient cost for shopping and other cost relating to the service.

As per claim 2, Yang, Shiimori, Higurashi, and Stewart teach the method of claim 1. Yang further teaches comprising: selecting the at least one characteristic being from the group consisting of a distance, a perspective, a magnification, and an angle. (column 23, lines 28-32; column 14, lines 45-53; User selecting resizing of the picture is making the group consistent is order of perspective and magnification).

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As per claim 3, Yang, Shiimori, Higurashi, and Stewart teach the method of claim 1, Yang further teaches wherein modifying the inconsistent presentation attributes of the plurality of presentation images includes modifying both size for one of more of the plurality of presentation images to be consistent with a reminder of the plurality of presentation images. (column 23, lines 28-32)

As per claim 7, Yang, Shiimori, Higurashi, and Stewart teach the method of claim 1. Yang further teaches wherein the images are digitalized images captured by a digital camera. (see Yang; column 8, lines 15-25; Output image from a digital camera is a digitalized image)

As per claim 8, Yang, Shiimori, Higurashi, and Stewart teach the method of claim 1. Shiimori further teaches wherein accessing the plurality of presentation images comprises: uploading the plurality of presentation images from the client. (see Shiimori, column 1, lines 32-40; uploading a an electronic album which has been produced in a client computer to a server is uploading a plurality of presentation images)

As per claim 9, Yang, Shiimori, Higurashi, and Stewart teach the method of claim 1. Yang further teaches wherein accessing the plurality of presentation images comprises: loading the plurality of presentation images from a database being one of the specified sources. (see Yang; column 7, lines 5-20; By defining and mapping network connectivity and access early on, the user can specific network drivers later;)

As per claim 10, Yang, Shiimori, Higurashi, and Stewart teach the method of claim 1. Yang teaches wherein accessing the plurality of presentation images comprises: uploading at

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least one presentation image from then client being one of the specified sources; (see Shiimori, column 1, lines 32-40; uploading a an electronic album which has been produced in a client computer to a server is uploading a plurality of presentation images)

and loading at least one presentation image from a database being one of the specified sources. (see Yang; column 7, lines 5-20; By defining and mapping network connectivity and access early on, the user can specific network drivers later;)

As per claim 11, Yang, Shiimori, Higurashi, and Stewart teach the method of claim 1. Yang teaches wherein accessing the plurality of presentation images comprises: loading at least one presentation image from a computer-readable medium being one of the specified sources. (see Yang; column 7, lines 5-20; A network drive is a computer-readable medium)

As per claim 13, Yang, Shiimori, Higurashi, and Stewart teach the method of claim 1. Yang further teaches comprising: saving the visual presentation on a computer-readable medium. (see Yang; column 6, lines 40-45; Saving album collection using image manger is saving the visual presentation on a computer-readable medium)

As per claim 23, Yang teaches a first computer-readable medium having a computer executable instruction to cause processor create a visual presentation by performing operation comprising:

Determining from which source or source of a plurality of sources to access the images; (see Yang; column 7, lines 5-20; By defining and mapping network connectivity and access early on, the user can specific network drivers later; see Yang; column 6, lines 40-45; opening from collection album from a mapped network drive is determining which source to access)

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Accessing a plurality of presentation images from the one or more specified sources, the plurality of presentation images having inconsistent presentation attributes; (see Yang; column 23, lines 27-31; Image not uniformed in size are inconsistent attribute)

Arranging the presentation images according to characteristic pre-selected by a user, the characteristics including at least a perspective and a magnification; (see Yang; column 23, lines 28-32; column 14, lines 45-53; User selecting resizing of the picture is making the group consistent is order of perspective and magnification); and

Organizing the presentation images in the visual presentation, wherein organizing includes automatically modifying the inconsistent presentation attributes of the plurality of presentation images to transition between the presentation images. (column 23, lines 28-32; column 14, lines 45-53; automatically re-size images is automatically modifying the inconsistent presentation attributes of the plurality of presentation images; Furthermore since the re-size is made to create a smooth transaction between images)

However, Yang fails to teach completing the visual at the server side and then transmitting the visual presentation from the server to a client.

Arranging the presentation images according to characteristic pre-selected by a user, the characteristics including at least one of a distance and angle;

Shiimori teaches completing the visual at the server side and then transmitting the visual presentation from the server to a client. (see Shiimori; column 3, lines 45-54; Transmitting completed album representation from the server to client is transmitting completed visual from server to a client)

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Arranging the presentation images according to characteristic pre-selected by a user, the characteristics including at least one of a distance and angle; (see Shiimori; figure 8, items 1-34; Pre-select which angle the picture will be inserted from is a pre-selection based on characteristic of angle)

It would have been obvious to an artisan at the time of the invention to include Shiimori's teaching with method of Yang in order to allow users to manipulate the visual presentation without slowing down their own computer.

However, they fail to teach modifying exposure.

Higurashi teaches modifying exposure. (see Higurashi paragraph 0052)

It would have been obvious to an artisan at the time of the invention to include Higurashi's teaching with method Yang and Shiimori in order to adjust brightness of at least one image of the plurality of images having a different exposure.

However they don't teach the method further comprising: receiving compensation from a client before the visual presentation is sent to the client, An amount of compensation varies depending on which sources of the plurality of source are accessed to retrieve the plurality of presentation image where a first remote source is more expensive to access presentation image than a local second source;

Stewart teaches a method comprising: receiving compensation from a client based on whether the client has accessed the local or remote service network (col3, lines 30-70; when accessing local network the client is charged at a lower rate or free)

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It would have been obvious to an artisan at the time of the invention to include Stewart's teaching with method of Yang, Shiimori, and Higurashi in order to provide sufficient cost for shopping and other cost relating to the service.

As per claim 25, which is dependent on claim 23, it is of the same scope as claim 3. (see rejection above)

As per claim 26, Yang, Shiimori, Higurashi, and Stewart teach the method of claim 23. Yang further teaches the computer executable instructions further comprising:

accessing an address for a location. (see Yang; column 7, lines 5-20; By defining and mapping network connectivity and access early on, the user can specific network drivers later; see Yang; column 6, lines 40-45; opening from collection album from a mapped network drive is determining which source to access)

As per claim 27, Yang, Shiimori, Higurashi, and Stewart teach the method of claim 23. Yang further teaches the method having computer executable instructions further comprising: accessing location coordinates for a location. (see Yang; column 7, lines 5-20; By defining and mapping network connectivity and access early on, the mapped address is coordinates to the address of the physical server; see Yang; column 6, lines 40-45; opening from collection album from a mapped network drive is determining which source to access)

As per claim 29, Yang, Shiimori, Higurashi, and Stewart teach the first computer-readable medium of claim 23. Yang further teaches computer-executable instruction further comprising:

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Accessing additional information, wherein the additional information is viewing preferences are selected by a computer user and affect the appearance of the visual presentation. (column 23, lines 28-32; column 14, lines 45-53; automatically re-size images is automatically modifying the inconsistent presentation attributes of the plurality of presentation images; Furthermore since accessing the re-size option would affect the visual presentation of the slide show)

.As per claim 30, which is dependent on claim 23, it is of the same scope as claim 8. (see rejection above).

As per claim 31, Yang, Shiimori, Higurashi, and Stewart teach the first computer-readable medium of claim 23. Yang further teaches the medium having executable instruction comprising:

Loading a plurality of presentation images from a database. (see Yang; column 7, lines 5-20; By defining and mapping network connectivity and access early on, the user can specific network drivers later and network driver is a database)

As per claim 32, Yang, Shiimori, Higurashi, and Stewart teach the first computer-readable medium of claim 23. Shiimori further teaches uploading at least one presentation image from a client (see Shiimori, column 1, lines 32-40; uploading an electronic album which has been produced in a client computer to a server is uploading a plurality of presentation images)

Loading at least one presentation image from a database. (see Yang; column 7, lines 5-20; By defining and mapping network connectivity and access early on, the user can specific network drivers later;)

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As per claim 33, Yang, Shiimori, Higurashi, and Stewart teach the first computer-readable medium of claim 23. Yang further teaches loading at least one presentation image from a second computer readable medium. (see Yang; column 7, lines 5-20; By defining and mapping multiple networks connectivity and accesses early on, the user can specific different network drivers later; see Yang; column 6, lines 40-45; opening from collection album from multiple mapped networks drive implies the ability to loading a second computer readable medium)

As per claim 34, Yang, Shiimori, Higurashi, and Stewart teach the first computer-readable medium of claim 23.

Yang further teaches sending the visual presentation to a client. (see Yang; column 7, lines 5-20; By defining and mapping network connectivity and access early on, the user can specific network drivers later;)

As per claim 35, Yang, Shiimori, Higurashi, and Stewart teach the first computer-readable medium of claim 23. it is of the same scope as claim 13. (see rejection above).

Shiimori further teaches uploading at least one presentation image from a client (see Shiimori, column 1, lines 32-40; uploading a an electronic album which has been produced in a client computer to a server is uploading a plurality of presentation images)

Yang further mapping multiple network drivers, see Yang; column 7, lines 5-20; By defining and mapping multiple networks connectivity and accesses early on, the user can specific different network drivers later) Therefore the combination allows users to save the visual presentation on a second computer readable medium.

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As per claim 42, Yang, Shiimori, Higurashi, and Stewart teach the method of claim 1. Yang further teaches specifying from the at least one source of the plurality of sources comprises:

sending a web page to a client, the web page identifying parameters that are used for accessing the plurality of presentation images. (column 8, lines 15-25; Internet URL is the same as a web page.)

As per claim 44, Yang, Shiimori, Higurashi, and Stewart teach the method of claim 2. Shiimori teaches the visual presentation pans around a location if the perspective or angle characteristic for the group is selected. (see Shiimori; figure 8, items 23-34; Pre-select wipe in is pans around a location)

Yang teaches adjusting transition speed of the slide show. (see Yang column 14, lines 45-54)

As per claim 47, which is dependent on claim 23, it is of the same scope as claim 43. Supra.

Claims 24, 43, and 46 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yang US Patent US 6,301,586, in view of Shiimori US Patent 6,567,983 further in view of Higurashi US Publication 2003/0133019 in view of Stewart et al. US Patent 6,571,221 further in view of Lin US Patent 6,369,835.

As per claim 24, Yang, Shiimori, Higurashi, and Stewart teach the method of claim 23. They fail to teach further teaches wherein the at least three characteristics includes the magnification if the visual presentation is to zoom away from a location.

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Lin teaches wherein the at least three characteristics includes the magnification if the visual presentation is to zoom away from a location. (see Lin column 8, lines 50-60; Fading effect is visual presentation that is zoom away from a location)

It would have been obvious to an artisan at the time of the invention to include Lin's teaching with method of Yang, Shiimori, Higurashi, and Stewart in order to allow users to create a zooming effect.

As per claim 43, Yang, Shiimori, Higurashi, and Stewart teach the method of claim 2.

However, they fail to teach accessing the plurality of presentation images, the method further comprises: visual presentation zooms in and out.

Lin et al. teaches accessing the plurality of presentation images, the method further comprises: visual presentation zooms in and out. (see Lin column 8, lines 50-60; Fading effect is visual presentation that is zoom away from a location)

It would have been obvious to an artisan at the time of the invention to include Lin's teaching with method of Yang, Shiimori, Higurashi, and Stewart in order to allow users to create a zooming effect.

Yang teaches adjusting transition speed of the slide show. (see Yang column 14, lines 45-54)

As per claim 46, which is dependent on claim 23, it is of the same scope as claim 43. Supra.

Claims 38, and 40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yang US Patent US 6,301,586 in view of Lin US Patent 6,369,835 further in view Higurashi US Publication 2003/0133019 in view of Stewart et al. US Patent 6,571,221.

As per claim 38, Yang teaches a computerized system comprising:

means for accessing a plurality of presentation images from at least one source remotely located from the computerized system ; (see Yang; column 7, lines 5-20; By defining and mapping network connectivity and access early on, the user can specific network drivers later; see Yang; column 6, lines 40-45; opening from collection album from a mapped network drive is determining which source to access)

means for receiving information identifying selecting-at least one characteristic to produce a visual presentation from a client; (see Yang; column 23, lines 28-32; column 14, lines 45-53; User selecting resizing of the picture is making the group consistent is order of perspective and magnification;)

means for arranging the presentation images according to at the characteristics provided by the client; (see Yang; column 23, lines 28-32; column 14, lines 45-53; Making pictures consistent in size according to the user is for arranging the presentation images according to at the characteristics provided by the client) and

means for organizing the presentation images in then visual presentation, wherein organizing includes automatically modifying the inconsistent presentation attributes of the plurality of presentation images to have consistent presentation attributes. (column 23, lines 28-32; column 14, lines 45-53; automatically re-size images is automatically modifying the inconsistent presentation attributes of the plurality of presentation images; Furthermore since the re-size is made to create a smooth transaction between images)

However Yang fails to teaches the characteristic include a distance and a magnification

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Lin et al. teaches means for selecting at least one characteristic from a group consisting of a distance and a magnification. (see Lin column 8, lines 50-60; Fading effect is visual presentation that is magnification)

It would have been obvious to an artisan at the time of the invention to include Lin teaching with method of Yang in order to allow users to create a magnification effect.

However, they fail to teach modifying exposure.

Higurashi teaches modifying exposure. (see Higurashi paragraph 0052)

It would have been obvious to an artisan at the time of the invention to include Higurashi's teaching with method Yang and Lin in order to adjust brightness of at least one image of the plurality of images having a different exposure.

However they don't teach the method further comprising: receiving compensation from a client before the visual presentation is sent to the client, An amount of compensation varies depending on which sources of the plurality of source are accessed to retrieve the plurality of presentation image where a first remote source is more expensive to access presentation image than a local second source;

Stewart teaches a method comprising: receiving compensation from a client based on whether the client has accessed the local or remote service network (col3, lines 30-70; when accessing local network the client is charged at a lower rate or free)

It would have been obvious to an artisan at the time of the invention to include Stewart's teaching with method of Yang, Shiimori, and Higurashi in order to provide sufficient cost for shopping and other cost relating to the service.

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As per claim 40, Yang, Lin, Higurashi, and Stewart teach the computerized system of claim 38. Yang further teaches comprising: means for modifying at least one of the inconsistent presentation attributes of the plurality of presentation images, the presentation attributes being size. (column 23, lines 28-32; column 14, lines 45-53; automatically re-size images is automatically modifying the inconsistent presentation attributes of the plurality of presentation images; Furthermore since the re-size is made to create a smooth transaction between images)

Claims 45 and 48 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yang US Patent US 6,301,586, in view of Shiimori US Patent 6,567,983 in view Higurashi US Publication 2003/0133019 in view of Stewart et al. US Patent 6,571,221 further in view of Vasudevan US Patent 6,892,351.

As per claim 45, Yang, Lin, Higurashi, and Stewart teach the method of claim 1.

However they fail to teach where prior to accessing the plurality of presentation images, the method further comprises:

Specifying whether the visual presentation appears in black-and-white or color.

Vasudevan et al. teaches a method further comprises:

Specifying whether the visual presentation appears in black-and-white or color. (column 7, lines 19-30; conversion to Black and White is specifying whether the visual presentation appears in Black and white)

It would have been obvious to an artisan at the time of the invention to include Vasudevan teaching with method of Yang, Lin, Higurashi, and Stewart in order to allow users to provide a different artistic style.

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As per claim 48, which is dependent on claim 23, it is of the same scope as claim 45.

Supra.

Claims 49 and 50 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yang US Patent US 6,301,586, in view of Lin US Patent 6,369,835 further in view of Higurashi US Publication 2003/0133019 further in view Shiimori US Patent 6,567,983 in view of Stewart et al. US Patent 6,571,221.

As per claim 49, Yang teaches a method of for display images comprising:

Selecting at least one characteristic being from the group including a distance, a perspective, a magnification, and angle. (see Yang, column 23, lines 28-32; column 14, lines 45-53; User selecting resizing of the picture is making the group consistent is order of perspective and magnification).

Yang teaches adjusting transition speed of the slide show. (see Yang column 14, lines 45-54)

Accessing a plurality of presentation images having inconsistent presentation attributes. (see Yang; column 23, lines 27-31; Images that are not uniformed in size are inconsistent attribute)

Arranging the presentation images according to the at least one characteristic provided by a client; (see Yang; column 23, lines 28-32; column 14, lines 45-53; Making pictures consistent in size according to the user is for arranging the presentation images according to at the characteristics provided by the client)

Organizing the presentation images in the visual presentation, wherein organizing includes automatically modifying the inconsistent presentation attributes of the plurality of

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presentation images to have consistent presentation attributes. (column 23, lines 28-32; column 14, lines 45-53; automatically re-size images is automatically modifying the inconsistent presentation attributes of the plurality of presentation images; Furthermore since the re-size is made to create a smooth transaction between images)

However Yang fails to teaches the characteristic include a distance and a magnification

Lin et al. teaches means for selecting at least one characteristic from a group consisting of a distance and a magnification. (see Lin column 8, lines 50-60; Fading effect is visual presentation that is magnification)

It would have been obvious to an artisan at the time of the invention to include Lin teaching with method of Yang in order to allow users to create a magnification effect.

However, Yang and Lin fail to teach completing the visual at the server side and then transmitting the visual presentation from the server to a client.

However, they fail to teach modifying exposure.

Higurashi teaches modifying exposure. (see Higurashi paragraph 0052)

It would have been obvious to an artisan at the time of the invention to include Higurashi's teaching with method Yang and Lin in order to adjust brightness of at least one image of the plurality of images having a different exposure.

Shiimori teaches completing the visual at the server side and then transmitting the visual presentation from the server to a client. (see Shiimori; column 3, lines 45-54; Transmitting completed album representation from the server to client is transmitting completed visual from server to a client)

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It would have been obvious to an artisan at the time of the invention to include Shiimori's teaching with method of Yang, Lin, and Higurashi in order to allow users to manipulate the visual presentation without slowing down their own computer.

However they don't teach the method further comprising: receiving compensation from a client before the visual presentation is sent to the client, An amount of compensation varies depending on which sources of the plurality of source are accessed to retrieve the plurality of presentation image where a first remote source is more expensive to access presentation image than a local second source;

Stewart teaches a method comprising: receiving compensation from a client based on whether the client has accessed the local or remote service network (col3, lines 30-70; when accessing local network the client is charged at a lower rate or free)

It would have been obvious to an artisan at the time of the invention to include Stewart's teaching with method of Yang, Shiimori, and Higurashi in order to provide sufficient cost for shopping and other cost relating to the service.

As per claim 50, which is dependent on claim 49, Yang, Lin, Higurashi, Shiimori, and Stewart teach the method of claim 49. Shiimori further teaches wherein prior to accessing the plurality of presentation images, the visual presentation pans around a location if the perspective or angle characteristic from the group is selected. (see Shiimori; figure 8, items 23-34; Pre-select wipe in is pans around a location)

Yang teaches adjusting transition speed of the slide show. (see Yang column 14, lines 45-54)

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Claim 51 is rejected under 35 U.S.C. 103(a) as being unpatentable over Yang US Patent US 6,301,586, in view of Lin US Patent 6,369,835 further in view of Higurashi US Publication 2003/0133019 further in view Shiimori US Patent 6,567,983 in view of Stewart et al. US Patent 6,571,221 further in view of Vasudevan US Patent 6,892,351.

As per claim 51, Yang, Lin, Higurashi, Shiimori, and Stewart the method of claim 49, wherein prior to accessing the plurality of presentation images, the method further comprises: specifying whether the visual presentation appears in black-and-white or color.

However they fail to teach where prior to accessing the plurality of presentation images, the method further comprises:

Specifying whether the visual presentation appears in black-and-white or color.

Vasudevan et al. teaches a method further comprises:

Specifying whether the visual presentation appears in black-and-white or color. (column 7, lines 19-30)

It would have been obvious to an artisan at the time of the invention to include Vasudevan teaching with method of Yang, Lin, Higurashi and Shiimori in order to allow users to provide a different artistic style.

Response To Argument

Applicant's arguments filed 12/10/08 have been fully considered but they are not persuasive.

Applicant's argument focused on the following:

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Whether the combination of Yang, Shiimori Higurashi and Stewart teaches “requesting and receiving compensation from the client before the visual presentation is sent to the client, and amount of compensation varies depending on which sources of the plurality of sources are accessed to retrieve.”

Stewart teaches this limitation because it charges customer at difference based on the location of the service access point, which is similar to source of retrieve. (see Stewart col. 3, lines 30- 55) Therefore, Stewart teaches this limitation.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Contact Information

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Peng Ke whose telephone number is (571)272-4062. The examiner can normally be reached on M-Th and Alternate Fridays 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David A. Wiley can be reached on (571) 272-3923. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Peng Ke
/Peng Ke/
Primary Examiner, Art Unit 2174